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EXPRESS MAIL LABEL NO. EL996742182US

PATENT APPLICATION
Docket No. 16039.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Maspero, et al.

Serial No.	10/8400,041)Art Unit 3732
Confirmation No.	7765)
Filed:	May 6, 2004)
For:	BIOCOMPATIBLE BONE IMPLANT COMPOSITIONS AND METHODS FOR REPAIRING A BONE DEFECT)
Customer No.	022913)



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TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

X Form PTO-1449 list of five (5) references submitted for consideration.

Because this Information Disclosure Statement is being filed prior to the mailing of the first substantive office action, no fee is required.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 7th day of September 2004.

Respectfully submitted,

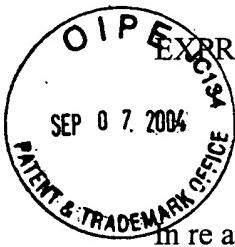


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Customer No. 022913

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to Box: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- Transmittal for Information Disclosure Statement (2 pg.)
- Information Disclosure Statement (3 pgs.)
- Copies of two (2) PCT references
- Form PTO-1449 listing 5 references (3 pgs.)
- Postcard

Dated this 7th day of September 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Guynn".

John M. Guynn
Attorney for Applicant(s)
Registration No. 36,153
Customer No. 022913

JMG:mla

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Docket No. 16039.3

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references, not a U.S. Patent or U.S. published application, or relevant portion thereof is also enclosed.

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

DATED this 7th day of September 2004.

Respectfully submitted,



John M. Guynn
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JMG:mla

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Applicant: Maspero, et al.

Serial No. 10/840,041

Confirmation No. 7765

Att'y Docket No. 16039.3

Group: 3732

Filing Date: May 6, 2004

For: BIOCOMPATIBLE BONE IMPLANT COMPOSITIONS AND
METHODS FOR REPAIRING A BONE DEFECTINFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
____ 1	6,261,583	Jul. 17, 2001	Dunn et al.

U.S. Patent Application Publications

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Name</u>
____ 2	US/2001/0014831	Aug. 16, 2001	Scarborough
____ 3	US/2003/0104029	June 5, 2003	Pirhonen et al.

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
____ 4	WO 00/35510	June 22, 2000	PCT
____ 5	WO 03/047646	June 12, 2003	PCT

Examiner: _____ Date Considered: _____

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Maspero, et al.
Serial No. 10/840,041
Confirmation No. 7765
Filing Date: May 6, 2004
For:

Att'y Docket No. 16039.3
Group: 3732

BIOCOMPATIBLE BONE IMPLANT COMPOSITIONS AND
METHODS FOR REPAIRING A BONE DEFECT

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner: _____ Date Considered: _____

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
